

**Florida's Request To Assume Administration of a Clean Water Act Section 404 Program
(85 FR 57853, September 16, 2020) EPA-HQ-OW-2018-0640**

Code 3 Permit duration/Projects longer than 5 years/Conceptual planning documents

Extending Permit Duration Past 5 Years Conflicts with Federal Law

Commenter (0386) notes that FDEP's approach, which purports to give effect to "its" general permits for a duration of 5 years from the date of the state program's approval, is contrary to 5-year limitation on general permits. The commenter stated that FDEP's approach therefore not only fails to rely on a proper determination necessary to support the issuance of general permits, but would unlawfully extend general permits issued initially by the Corps beyond their statutorily limited 5-year duration. The commenter reminded that federal law requires the Corps to review its general permits, and the determinations underlying them, every 5 years, and allowing Florida to extend the Corps' underlying rationale beyond the 5-year statutory limitation conflicts with federal law.